

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Team # 1	CCRB Case #: 201300993	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/15/2013 4:30 AM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 105	18 Mo. SOL 8/15/2014	EO SOL 8/15/2014	
Date/Time CV Reported Sat, 02/16/2013 5:18 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 02/16/2013 5:18 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Adam Gray	00379	928419	113 PCT
2. POM James Zozzaro	28340	942747	113 PCT
3. An officer			ESS 09
4. Officers			ESS 09

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Brian Higgins	07655	931732	ESS 09
2. DTS Lenno Hendricks	04817	925441	ESS 09
3. SGT Greg Vallerugo	02315	927621	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered and searched § 87(2)(b) in Queens.	§ 87(2)(b)
B. Officers	Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C. An officer	Abuse: An officer threatened to damage § 87(2)(b) property.	§ 87(2)(b)
D. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E. An officer	Force: An officer pointed his gun at § 87(2)(b)	§ 87(2)(b)
F. POM James Zozzaro	Discourtesy: PO James Zozzaro spoke discourteously to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
G. POM James Zozzaro	Abuse: PO James Zozzaro refused to show a search warrant to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
H. POM Adam Gray	Abuse: PO Adam Gray refused to show a search warrant to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)

Case Summary

On February 16, 2013, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System. On February 19, 2013, § 87(2)(b) filed a duplicate complaint with IAB via the telephone. On March 15, 2013, the CCRB received the duplicate complaint via IAB log #13-7639.

On February 15, 2013, at approximately 4:30 am, a search warrant was executed inside § 87(2)(b) in Queens and the following allegations resulted:

- **Allegation A) Abuse of Authority: Officers entered and searched § 87(2)(b) in Queens.**
§ 87(2)(g)
- **Allegation B) Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)
- **Allegation C) Abuse of Authority: An officer threatened to damage § 87(2)(b) property.**
- **Allegation D) Discourtesy: An officer spoke discourteously to § 87(2)(b)**
§ 87(2)(g)
- **Allegation E) Force: An officer pointed his gun at § 87(2)(b)**
§ 87(2)(g)
- **Allegation F) Discourtesy: PO James Zozzaro spoke discourteously to § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)
- **Allegation G) Abuse of Authority: PO James Zozzaro refused to show a search warrant to § 87(2)(b) and § 87(2)(b)**
- **Allegation H) Abuse of Authority: PO Adam Gray refused to show a search warrant to § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Statement: (encl. B5-8)

On April 30, 2013, § 87(2)(b) was interviewed at the § 87(2)(b)

§ 87(2)(b). On February 15, 2013, at approximately 4:30 am inside § 87(2)(b) § 87(2)(b)

§ 87(2)(b) in Queens, § 87(2)(b) was asleep in his bedroom with his girlfriend § 87(2)(b) and § 87(2)(b) were suddenly awakened by the barking of their pit-bull, Bullet. Approximately 15 to 17 officers in tactical gear, with helmets, goggles, shields, firearms, and flashlights entered the apartment. These officers did not announce themselves before entering the apartment. Upon waking, the first things that § 87(2)(b) saw were numerous officers' flashlight beams moving around the bedroom. One officer, described as a white male officer wearing a helmet and goggles and holding a machine gun, grabbed § 87(2)(b) by her underarm and pulled her out of the bedroom and out of § 87(2)(b) line of sight. § 87(2)(b) was screaming and crying when she was removed from the bedroom. § 87(2)(b) was wearing only a brassiere and underpants. § 87(2)(b) the pit-bull, was barking furiously and a second officer, described as a white male holding a handgun and a shield, shouted at § 87(2)(b) "Calm the dog down or Imma shoot the fucking dog." § 87(2)(b) who was sitting on the edge of the bed and facing the bedroom door, embraced the dog around the neck and tried to calm the dog down. § 87(2)(b) estimated that he was seated approximately four feet from the bedroom door. The second officer pointed his handgun at § 87(2)(b) right temple and repeated to § 87(2)(b) "Calm the fucking dog down." The second officer took one or two steps into the bedroom and placed the muzzle of his handgun against § 87(2)(b) temple for approximately four seconds. § 87(2)(b) then closed his eyes and mumbled, "Please don't kill me." With the exception of this second officer, none of the other officers entered the bedroom. An officer retrieved the dog's collar and leash and threw them to § 87(2)(b) placed the collar around its neck. An officer instructed § 87(2)(b) to bring the dog to the bathroom, holding it by its leash. An officer told § 87(2)(b) to hold the dog by its leash and if he were to release the leash the officer said that he would "kill the fucking dog." § 87(2)(b) walked the dog into the bathroom and closed the door. As soon as the dog was inside the bathroom, § 87(2)(b) was grabbed by three or four officers on both arms and placed into handcuffs. § 87(2)(b) did not know which officers handcuffed him because they all appeared the same to him.

The officers escorted § 87(2)(b) into the kitchen and he sat down at his kitchen table along with § 87(2)(b) who was also handcuffed at this time. As soon as § 87(2)(b) sat down, an officer identified by the investigation as PO James Zozzaro, described as a plainclothes white male, 6'4", 265 pounds, with dark-rimmed glasses, a dark goatee, with a fat-build, in his early 40s and wearing a hat, and a second plainclothes officer identified by the investigation as PO Adam Gray, described as a white male, 6'2", 180 pounds, with a clean-shaven face and a slim build, entered the kitchen. After § 87(2)(b) sat down, PO Zozzaro asked, "Where's the fucking gun?" § 87(2)(b) responded, "I don't know where no gun at." PO Zozzaro said, "Don't fucking play with me." § 87(2)(b) said, "What is going on?" PO Zozzaro said, "We have a search warrant for a gun. Where's the gun?" § 87(2)(b) asked to see the search warrant and PO Zozzaro said, "Shut the fuck up. I'm not talking to you." § 87(2)(b) then asked to see the warrant and PO Zozzaro ignored his question.

PO Zozzaro said, "We gonna break this house apart until we find this gun." § 87(2)(b) said, "I don't know anything about a gun." Six to seven officers entered the bedroom and searched for approximately 10 minutes, but did not recover anything. Then after 10 or 15 minutes after § 87(2)(b) had sat down in the kitchen, an officer described as a black female, 5'6", 265 pounds, heavysset, with a ponytail and dressed in plainclothes, entered the apartment, walked into the kitchen and immediately ripped the curtains off of the kitchen wall. § 87(2)(b) did not speak with this black female officer. Officers emptied honey from a transparent jar onto the ground. Officers emptied grits and cereal onto the ground as well. § 87(2)(b) asked again, "Can we see the warrant?" The officers ignored the request. § 87(2)(b) estimated that § 87(2)(b) asked PO Zozzaro three or four times to see the search warrant and the officer did not respond. An officer brought § 87(2)(b) some clothes and § 87(2)(b) was briefly unhandcuffed so that she could

put on some pants and a shirt. Officers slid some pants onto § 87(2)(b) and dropped a sweatshirt around his shoulders while he remained in handcuffs.

After a total of 15 minutes in the kitchen, § 87(2)(b) and § 87(2)(b) were escorted out of the building and were transported to the 113th Precinct stationhouse.

§ 87(2)(b) spent 14 to 15 hours at the stationhouse. § 87(2)(b) was interrogated at the stationhouse by plainclothes officers, including PO Zozzaro and PO Gray. After an hour of interrogation, an officer brought a gun into the stationhouse, told § 87(2)(b) that the gun was his, and claimed that this gun was recovered from a clock in § 87(2)(b) bedroom. § 87(2)(b) asked to see a search warrant and an officer told him that they did not have a warrant to show him. After another 45 minutes of interrogation, § 87(2)(b) was brought to Queens Central Booking in a prisoner van with § 87(2)(b).

§ 87(2)(b) said that the search of the apartment recovered a .25 caliber gun and some marijuana.

Complainant/ Victim: § 87(2)(b)

- *At the time of the incident,* § 87(2)(b)

Phone Statement: (encl. B9)

On March 1, 2013, § 87(2)(b) was contacted by the CCRB. Her statement was consistent with § 87(2)(b) statement with the following noted additions and exceptions. Once § 87(2)(b) heard officers entering the apartment, she shouted to § 87(2)(b) that there were people in the apartment and jumped out of bed wearing only a t-shirt and no brassiere. Before § 87(2)(b) made it out of the bedroom, she was met at the bedroom door by an officer described as a tall white male, mid 30s, with a shield, helmet, and goggles, and who pointed a shotgun in § 87(2)(b)'s face. Some of the officers were shouting, "Search warrant! Search warrant! Search warrant!" § 87(2)(b) crouched down, placed her hands in the air and announced that she was not armed. This officer with a shotgun grabbed § 87(2)(b) by the collar of her t-shirt and was dragged out of her bedroom and brought into the kitchen. A second officer described as a uniformed black female, tall, in her thirties, with a heavy build and curly hair that was pulled back into a ponytail, frisked § 87(2)(b) and then placed her in handcuffs.

Three officers, including the first officer, then entered § 87(2)(b)'s bedroom and from the kitchen, § 87(2)(b) heard officers shouting at § 87(2)(b) and her pit-bull. The first officer said, "Don't fucking move. Don't fucking move. One move and I'm going to kill you. I'm going to put a bullet in your head if you move." § 87(2)(b) said, "Please, please, please don't kill me." § 87(2)(b) placed the dog in the bathroom and then he was placed in handcuffs and brought into the kitchen to wait with § 87(2)(b). § 87(2)(b) did not see § 87(2)(b) get handcuffed. § 87(2)(b) asked an officer identified by the investigation as PO Zozzaro and described as a plainclothes white male, 5'2" tall, in his mid-30s, with a goatee, to see a search warrant five different times and every time PO Zozzaro and two other plainclothes officers standing with him refused to show the warrant to her. PO Zozzaro told § 87(2)(b) "Shut the fuck up! Shut the fuck up!" in response to her request to see the warrant.

Between March 1, 2013 and May 31, 2013, § 87(2)(b) scheduled seven different interview appointments at the CCRB. Four of these appointments § 87(2)(b) missed without calling to cancel or reschedule and three of these appointments § 87(2)(b) rescheduled to a later date.

NYPD Statements:

Subject Officer: OFFICER JAMES ZOZZARO

- *At the time of the incident, PO Zozzaro was § 87(2)(b).*
- *On February 15, 2013, PO Zozzaro worked from 4:00 am to 8:35 pm, was assigned to SET Team/ Anti-Crime, was working with PO Glanville, was dressed in plainclothes and was assigned to an unmarked vehicle.*

Memo Book: (encl. C1-2)

On February 15, 2013, PO Zozzaro noted in his memo book that at 4:30 am search warrant § 87(2)(b) was executed at § 87(2)(b). At 5:00 am, the two individuals who had been arrested were back at the 113th Precinct stationhouse for CPW (firearm) and marijuana.

Arrest Reports: (encl. C3-8)

On February 15, 2013, at approximately 5:00 am, § 87(2)(b) and § 87(2)(b) were arrested by PO Zozzaro for § 87(2)(b). § 87(2)(b) was also charged with a second charge of § 87(2)(b). The arrest narrative on both arrest reports states that the arrests were made pursuant to Queens County search warrant § 87(2)(b), which revealed the defendants to be in possession of a loaded, defaced .25 caliber firearm and a quantity of marijuana.

CCRB Statement: (encl. C9-10)

On August 20, 2013, PO Zozzaro was interviewed at the CCRB. On February 15, 2013, at approximately 4:30 am § 87(2)(e), § 87(2)(f) § 87(2)(b) ESU officers forcibly gained entry into the apartment while PO Zozzaro waited outside. Once the location was secured and § 87(2)(b) and § 87(2)(b) were placed in handcuffs, PO Zozzaro and PO Gray went inside the apartment. PO Zozzaro and PO Gray were the first non-ESU officers to enter the apartment. When PO Zozzaro entered the apartment and walked into a “living room-type kitchen area,” § 87(2)(b) and § 87(2)(b) were seated by the kitchen table, both in handcuffs. ESU officers were still inside the apartment at that time.

Upon entering the apartment, § 87(2)(b) was screaming, crying, and asking the officers what they were doing inside the apartment. Much of what § 87(2)(b) was saying was unintelligible due to the intensity of her sobs. § 87(2)(b) said very little to the officers when PO Zozzaro and PO Gray entered the apartment. Officers retrieved warm clothes for § 87(2)(b) and § 87(2)(b) before they were removed from the apartment. PO Zozzaro did not recall asking § 87(2)(b) “Where’s the fucking gun?” PO Zozzaro did not recall PO Gray or any other officer asking § 87(2)(b) “Where’s the fucking gun?” PO Zozzaro did not recall saying “Don’t fucking play with me,” nor did he recall PO Gray or any other officer saying that. PO Zozzaro did recall either § 87(2)(b) or § 87(2)(b) asking to see a copy of the search warrant. PO Zozzaro did not have a copy of the search warrant until he returned to the stationhouse. PO Zozzaro “assumed” that PO Gray had a copy of the search warrant. None of the officers on the scene told § 87(2)(b) “Shut the fuck up, I’m not talking to you.”

Soon after PO Zozzaro and PO Gray entered the apartment, § 87(2)(b) and § 87(2)(b) were removed from the apartment. PO Zozzaro did not recall what officers removed § 87(2)(b)

and § 87(2)(b) from the apartment. ESU officers did not remove § 87(2)(b) and § 87(2)(b). Officers began to search the bedroom of the apartment around the time that § 87(2)(b) and § 87(2)(b) were being removed from the apartment. PO Zozzaro was not certain if a search of the kitchen had begun prior to § 87(2)(b) and § 87(2)(b) being removed from the apartment.

PO Zozzaro and officers from a combined team of Anti-Crime and SET performed the search of the apartment and recovered a firearm, a BB gun, and marijuana.

After the search of the apartment, PO Zozzaro returned to the 113th Precinct stationhouse and he spoke to § 87(2)(b) briefly in the holding cell area. PO Zozzaro did not debrief § 87(2)(b) though he walked through the room in which § 87(2)(b) was being debriefed a few times in order to use the bathroom. While § 87(2)(b) was being debriefed, PO Zozzaro was processing § 87(2)(b) arrest. PO Zozzaro did not know who debriefed § 87(2)(b).

PO Zozzaro stated that he “most likely” had a goatee at the time of the incident. PO Zozzaro did not recall if PO Gray had a goatee at the time, and said that many officers who work in Anti-Crime sport goatees and that any number officers at the time of the incident might have been wearing a goatee.

Subject Officer: OFFICER ADAM GRAY

- *At the time of the incident, PO Gray was § 87(2)(b)*
- *On February 15, 2013, PO Gray worked from 4:00 am to 11:30 am, was assigned to Front Security for a search warrant, was working with Sgt. Milligan, and was dressed in plainclothes.*

Memo Book: (encl. C11)

On February 15, 2013, PO Gray noted in his memo book that at 4:00 am he was on duty at the 113th Precinct stationhouse. PO Gray was assigned to Front Security for the execution of a search warrant at § 87(2)(b). At 4:45 am, the search warrant was executed and two individuals were placed under arrest.

CCRB Statement: (encl. C12-13)

On August 21, 2013, PO Gray was interviewed at the CCRB. PO Gray’s statement was consistent with PO Zozzaro’s statement with the following exceptions and additions. On February 15, 2013, at approximately 4:30 am, PO Gray was standing outside of § 87(2)(b) in Queens when ESU officers entered § 87(2)(b) pursuant to a search warrant. PO Gray waited for ESU to clear the location and once ESU officers exited the apartment and reported the location was secure, PO Gray remained standing outside. Other officers entered the location and PO Gray stayed in front of the apartment’s outer-most door. PO Gray stated that on the other side of this exterior door, there is a full flight of stairs that leads into the subject apartment. PO Gray estimated that § 87(2)(b) and § 87(2)(b) were removed from their apartment approximately 15 minutes after ESU forcibly entered the apartment. As § 87(2)(b) and § 87(2)(b) exited the apartment, PO Gray did not have any conversation with either § 87(2)(b) or § 87(2)(b). PO Gray estimated that another 45 minutes had elapsed after § 87(2)(b) and § 87(2)(b) were escorted out of the apartment that he entered the apartment for the first time. By the time that PO Gray entered the apartment, a firearm had already been recovered.

PO Gray had a copy of the search warrant on his person. PO Gray did not believe that any other officer on the scene had a copy of the search warrant. At no time did any civilian ask § 87(2)(b) Gray to see the search warrant.

PO Gray returned to the stationhouse and was present for § 87(2)(b) debriefing. PO Gray did not recall what other officers were present for § 87(2)(b) debriefing. PO Gray estimated that he spoke to § 87(2)(b) during this debriefing for approximately 30 minutes. During this time period, § 87(2)(b) requested to see a copy of the search warrant and PO Gray handed a copy of the warrant to § 87(2)(b). § 87(2)(b) looked at the search warrant and PO Gray pointed to the parts of the search warrant that displayed a judge's signature and the part that identified § 87(2)(b) apartment as the subject location. § 87(2)(b) did not have any questions about the search warrant. § 87(2)(b) then handed it back to PO Gray. PO Gray estimated that § 87(2)(b) looked at the search warrant for several minutes. PO Gray stated that he was the primary officer conducting § 87(2)(b) debriefing. PO Gray did not use any discourteous language while speaking with § 87(2)(b). § 87(2)(b) did not ask § 87(2)(b) "Where's the fucking gun?" or "Don't play fucking games with me." None of the other officers in the debriefing used any discourteous language with § 87(2)(b).

Witness Officer: SERGEANT GREG VALLERUGO

- *At the time of the incident, Sgt. Vallerugo was § 87(2)(b)*
- *On February 15, 2013, Sgt. Vallerugo worked from 4:00 am to 12:57 pm, was the SET supervisor working with PO Zozzaro, PO Zummo, PO Glanville, PO Duncan, and PO Vorraro, and was dressed in plainclothes.*

Memo Book: (encl. C14-16)

On February 15, 2013, Sgt. Vallerugo noted in his memo book that at 4:30 am he attended at tactical meeting for a search warrant that was to be executed at § 87(2)(b) DI Marmara was the executive and Sgt. Milligan did the pre-work up. At 5:00 am, the warrant was executed with positive results. One black male and one white female were placed under arrest by PO Zozzaro for CPW for a firearm: § 87(2)(b). The location was secured without incident.

CCRB Statement: (encl. C17-18)

On October 10, 2013, Sgt. Vallerugo was interviewed at the CCRB. When the search warrant was executed, Sgt. Vallerugo was standing outside of § 87(2)(b) in Queens in order to provide security at the location. Sgt. Vallerugo remained outside the apartment until § 87(2)(b) and § 87(2)(b) were removed from the location, at which time Sgt. Vallerugo entered the apartment and started searching the apartment. Sgt. Vallerugo was never present inside § 87(2)(b) while § 87(2)(b) and § 87(2)(b) were inside the apartment. Sgt. Vallerugo never had any conversation with § 87(2)(b) or § 87(2)(b). Sgt. Vallerugo was not present at the stationhouse for either defendant's debriefing. Sgt. Vallerugo did not carry a copy of the search warrant. Sgt. Vallerugo stated that PO Gray was also assigned to exterior security for the search warrant, but he did not know if PO Gray entered the apartment before § 87(2)(b) and § 87(2)(b) were removed from the apartment.

Other Officers Interviewed: (encl. C19-27)

On August 26, 2013, PO Brian Higgins and Det. Lenno Hendricks were interviewed at the CCRB. Both officers' memo books noted that they were part of the ESU Apprehension Team that executed the search warrant at § 87(2)(b) in Queens. After they were provided with a brief description of the incident, neither officer recalled any specific details regarding their involvement in the search warrant's execution.

PO Higgins was promoted to the rank of detective since the date of the incident, but will be referred to as “PO” for the duration of this report to reflect his rank at the time of the incident.

NYPD Documents

Search Warrant § 87(2)(b) (encl. D1)

On February 6, 2013, the Honorable § 87(2)(b) signed search warrant § 87(2)(b) which was to be executed at § 87(2)(b) § 87(2)(b) in Queens. The warrant stated that it could be executed at any time of day and without the executing officers announcing their purpose or authority to search prior to doing so. The warrant was signed on the basis of an affidavit provided by PO Gray which provided the “reasonable cause” to believe that there were firearms, ammunition, and marijuana at the location.

Search Warrant Pre-Execution Plan: (encl. D4)

The pre-execution plan for search warrant § 87(2)(b) noted that PO Zozzaro was assigned to side security, PO Gray was assigned to front security, and Sgt. Vallerugo was assigned to inside security for the execution of the warrant.

ESU Warrant Execution Supplemental Report: (encl. D12)

On February 15, 2013, at approximately 5:00 am, the A-Team conducted a forcible entry into § 87(2)(b) § 87(2)(b) in Queens pursuant to a search warrant. PO Higgins and Det. Hendricks comprised the first entry team with PO Higgins equipped with a bunker and a 9mm firearm and Det. Hendricks equipped with an MP5 firearm. A white female § 87(2)(b), was handcuffed by Det. Juan Maldonado in the bedroom and a black male § 87(2)(b) was handcuffed by Sgt. Gerard Flood in the hallway. Searches of CTS and EDMS with the names of the ESU officers on the entry team revealed that all but Det. Maldonado were white males. Det. Maldonado is an Hispanic male.

Arrest for Incident and Disposition

- § 87(2)(b)

Status of Civil Proceedings

- Neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York as of December 9, 2013 with regard to the incident (encl. E11).

§ 87(2)(c), § 87(2)(b)

-
- | Category | Percentage |
|---|------------|
| U.S. should take action to address climate change | 85% |
| U.S. should not take action to address climate change | 15% |
| U.S. should take action to address climate change | 85% |
| U.S. should not take action to address climate change | 15% |
| U.S. should take action to address climate change | 85% |
| U.S. should not take action to address climate change | 15% |
| U.S. should take action to address climate change | 85% |
| U.S. should not take action to address climate change | 15% |
| U.S. should take action to address climate change | 85% |
| U.S. should not take action to address climate change | 15% |

Civilians' CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A5).
- This is the first CCRB complaint involving § 87(2)(b) (encl. A4).

Subject Officers' CCRB History

- PO James Zozzaro has been a member of the service for seven years and there is one substantiated CCRB allegation against him: (encl. A1-2)
 - In CCRB case number 201105413, an allegation of physical force was substantiated against PO Zozzaro, however the NYPD did not take any disciplinary action against him.
- PO Adam Gray has been a member of the service for 12 years and there are no substantiated CCRB allegations against him (encl. A3).

Conclusion

Identification of Subject Officers

Because identifying the subject officers in Allegations A, B, C, and D would not affect the disposition, Allegations A and B have been pleaded against “Officers,” and Allegations C and D have been pleaded against “An officer.”

§ 87(2)(b) described the officer who held a firearm against his temple only as a white male with a shield. § 87(2)(b) description does not distinguish this officer from any of the other officers who entered the location as part of the Apprehension Team because according to the ESU Report, all but one of these officers were white males. Because § 87(2)(b) stated that all of officers “appeared the same,” because PO Higgins and Det. Hendricks did not recall the incident, and because there were no witnesses to the allegation, the investigation was unable to determine a subject officer for Allegation E.

PO Zozzaro acknowledged speaking with § 87(2)(b) and § 87(2)(b) in their kitchen moments after the search warrant was executed and he fits the description of the subject officer that § 87(2)(b) and § 87(2)(b) provided provided. § 87(2)(b) stated that a second officer,

who was later involved in his debriefing at the stationhouse was also in the kitchen at the time that he requested to see a copy of the search warrant. Though PO Gray stated that he did not enter the apartment until after § 87(2)(b) and § 87(2)(b) were removed in handcuffs, PO Zozzaro stated that he and PO Gray entered together once the apartment had been secured by ESU. Because PO Gray's pedigree information matched § 87(2)(b) description, because PO Zozzaro placed PO Gray inside the location with him at the time of the allegations, and because PO Gray acknowledged interacting with § 87(2)(b) during his debriefing at the stationhouse, Allegations F and G, and H have been pleaded against PO Zozzaro and PO Gray, respectively.

Investigative Findings and Recommendations

- **Allegation A) Abuse of Authority: Officers entered and searched § 87(2)(b) § 87(2)(b) in Queens.**

It is undisputed that numerous ESU officers entered and searched § 87(2)(b) and § 87(2)(b)'s apartment on February 15, 2013. At the time of their entry, these officers were in possession of a signed and valid search warrant, Queens County search warrant § 87(2)(b).

New York State Criminal Procedure Law 690.50 (encl. i-ii) permits officers to forcibly enter and search a location pursuant to a valid search warrant. § 87(2)(g)

- **Allegation B) Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b)** stated that different officers pointed firearms at them during the execution of the search warrant. *P.D. vs. Gliner* (encl. iii-xxii) affords an officer broad discretion in displaying or pointing his firearm when he feels there is an immediate danger to his life or another person's life. § 87(2)(g)

- **Allegation C) Abuse of Authority: An officer threatened to damage § 87(2)(b) property.**

- **Allegation D) Discourtesy: An officer spoke discourteously to § 87(2)(b)** § 87(2)(b) alleged that after § 87(2)(b) was removed from the bedroom and while his pit-bull was barking furiously at the officers who had entered the apartment, an officer said, "Calm the dog down or Imma shoot the fucking dog," and then, "Calm the fucking dog down." Later, once § 87(2)(b) had gotten the dog on a leash, an officer told him that if he released the leash, the officer would "kill the fucking dog."

Patrol Guide Procedure 203-12 (encl. xxiii-xxiv) permits an officer to discharge his firearm at an animal in order to protect himself or others from physical injury, provided there are no other means to eliminate the threat posed by that animal. *P.D. vs. White* (encl. xxv-xxvii) affords officers the opportunity to use an expletive under great duress and in lieu of physical force. § 87(2)(g)

§ 87(2)(g)

- **Allegation E) Force: An officer pointed his gun at § 87(2)(b)**

For the reasons discussed above, the investigation was unable to identify the officer who allegedly placed the muzzle of his firearm against § 87(2)(b) temple. Therefore, it is recommended that Allegation E be closed as **officer unidentified**.

- **Allegation F) Discourtesy: PO James Zozzaro spoke discourteously to § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) alleged that once he and § 87(2)(b) were handcuffed and in the kitchen, PO Zozzaro asked him, “Where’s the fucking gun?” and when § 87(2)(b) said he did not know, PO Zozzaro replied, “Don’t fucking play with me.” § 87(2)(b) and § 87(2)(b) both alleged that PO Zozzaro told § 87(2)(b) “Shut the fuck up,” in response to her request to see a copy of the search warrant.

PO Zozzaro denied making any of these alleged remarks to § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

- **Allegation G) Abuse of Authority: PO James Zozzaro refused to show a search warrant to § 87(2)(b) and § 87(2)(b)**

- **Allegation H) Abuse of Authority: PO Adam Gray refused to show a search warrant to § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) alleged that in the kitchen § 87(2)(b) asked to see a copy of the search warrant and PO Zozzaro said, “Shut the fuck up. I’m not talking to you.” Subsequently, § 87(2)(b) asked to see the search warrant two more times and his request was ignored by PO Zozzaro. § 87(2)(b) estimated that § 87(2)(b) asked PO Zozzaro three or four times to see the search warrant and he also did not respond. § 87(2)(b) further alleged that during his debriefing at the stationhouse he asked to see the search warrant and an unidentified officer told him that they did not have a warrant to show him. § 87(2)(b) stated she asked to see the search warrant approximately five times and each time PO Zozzaro refused to show it to her.

PO Zozzaro stated that he did not recall either § 87(2)(b) or § 87(2)(b) asking him or PO Gray to see a copy of the search warrant and added that he did not even have a copy of the warrant while he was at the incident location. PO Zozzaro stated that he did not have a copy of the search warrant until he returned to the stationhouse, but “assumed” that PO Gray had a copy while at the location. PO Gray, for his part, stated that he was not present inside the apartment for these requests, but recalled showing § 87(2)(b) a copy of the search warrant at the stationhouse during his debriefing.

Criminal Procedure Law 690.50 (encl. i-ii) stipulates that an officer executing a search warrant must show the subject of a search warrant a copy of that search warrant upon request.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Team: 1

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date